SEC. 3. Nominations. The judge herein provided for shall be nominated at the primary and elected at the general election in the year 1916 and at four year periods thereafter.

Approved April 20, A. D. 1915.

## CHAPTER 339.

## STATE HIGHWAY COMMISSION.

S. F. 567.

AN ACT to repeal sections fifteen hundred twenty-seven-s3 (1527-s3), fifteen hundred twenty-seven-s8 (1527-s8), fifteen hundred twenty-seven-s9 (1527-s9), fifteen hundred twenty-seven-s13 (1527-s13), fifteen hundred twenty-seven-s13 (1527-s13), fifteen hundred twenty-seven-s16 (1527-s16), and fifteen hundred seventy-one-m32 (1571-m32), supplement to the code, 1913, and to enact substitutes in lieu thereof, and to amend sections fifteen hundred twenty-seven-s (1527-s), fifteen hundred twenty-seven-s2 (1527-s2), fifteen hundred twenty-seven-s16 (1527-s10), fifteen hundred twenty-seven-s14 (1527-s14), supplement to the code, 1913, and to repeal section fifteen hundred twenty-seven-s12 (1527-s12), supplement to the code, 1913, relating to the duties of the highway commission, the creation of a system of county and township road, bridge and culvert construction and maintenance, and the rights, duties and powers of county, township and other officers and employees with reference thereto, and to regulate the apportionment and expenditure of certain moneys for highway purposes.

Be it enacted by the General Assembly of the State of Iowa:

- That section fifteen hundred twenty-seven-s SECTION 1. Bonds. (1527-s), supplement to the code, 1913, be amended by striking from 3 lines nine and ten of said section the following: "Such commission when appointed shall fill the interim between the taking effect of this act and July first, nineteen hundred thirteen", and inserting in lieu 5 thereof the following: "Each commissioner shall give bond in the 6 penal sum of five thousand dollars (\$5,000.00) for the faithful per-7 formance of his duties as hereinafter provided, which bond shall be 9 approved by the executive council and filed with the secretary of 10 state."
  - SEC. 2. Expenses of commissioners. That section fifteen hundred twenty-seven-s one (1527-s1), supplement to the code, 1913, be amended by inserting after the word "commission" and preceding the period in line three thereof the following: "and each of the three commissioners shall receive all necessary traveling and other expenses incurred while in the performance of his duties as such commissioner, but the commission shall not incur any expense to the state by sending out road lecturers".
- SEC. 3. Duties of commission. That section fifteen hundred twenty-seven-s-two (1527-s2), supplement to the code, 1913, be amended by striking out all of paragraph three (3) and inserting in lieu thereof the following:
- 5 "3. To keep a record of all important operations of the highway 6 commission, and to annually report the same to the governor by the

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first day of January, which report shall be printed as a public document; but the summary report of the county highway engineers shall be reported not later than February first."

Also that section fifteen hundred twenty-seven-s-two (1527-s2), supplement to the code, 1913, be amended by striking out all of para-

graph seven (7) and inserting in lieu thereof the following:

"7. To make surveys, plans and estimates of cost for the elimination of danger at railroad crossings on highways and streets, and to confer with local officials, railroad officials and the Iowa railroad commission in the elimination of such dangers at railroad crossings."

Also that section fifteen hundred twenty-seven-s two (1527-s2), supplement to the code, 1913, be amended by adding thereto the fol-

lowing as paragraph eight (8):

"8. The state highway commission shall assist the county board of supervisors and the attorney general in the defense of patent suits relative to road or bridge construction, make surveys for the state board of control when so requested, and perform all other duties required by law."

SEC. 4. Engineers—compensation—discharge, etc. That section fifteen hundred twenty-seven-s three (1527-s3), supplement to the code, 1913, be repealed and the following enacted in lieu thereof:

"The board of supervisors of each county shall employ a competent engineer or engineers for such length of time, not exceeding one year, and at such compensation, to be paid out of the county funds, as may be fixed by the board of supervisors. Said engineer or engineers shall work under the direction and instructions of the board of supervisors in the performance of the duties hereinafter provided, and each shall give bond for the faithful performance of his duties in a sum not less than one thousand dollars (\$1,000.00), nor more than five thousand dollars (\$5,000.00). The tenure of office of any engineer may be terminated by the board of supervisors for cause or by the state highway commission for incompetency. The highways now designated as county roads by the plans and records now on file in the county auditor's office of each county and all county highways from time to time added thereto, shall be known as the county road system. other highways in the county shall be known as the township road The system of road construction herein provided shall apply only to highways outside of the limits of cities and towns; provided, however, that whenever any public highway, located along the corporate line of any city or town, is partly within said city or town and partly without the same, the said highway or any part thereof, may be included in and made a part of the county road system, and when so included it may be improved by the board of supervisors as are other parts of the county road system. The system of bridge and culvert work herein provided for shall apply to all highways throughout the county outside of the limits of cities of the first class; provided, however, that when any part of any public highway located along the corporate line of a city of the first class is included in the county road system, as herein provided, the board of supervisors and the city council shall meet jointly and adopt plans and specifications with the approval of the highway commission for the construction of bridges and culverts, one-half of the cost of the same to be paid by the city

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and one-half by the county, and in case the city council and the board of supervisors are unable to agree upon any question or questions involved in the construction of the same it shall be referred to the state highway commission, whose decision therein shall be final and binding upon each party.

In matters involving highway improvements upon or across state lines or in determining continuous routes for interstate roads, the state highway commission shall be authorized to confer with authorities of bordering states and to agree upon proper connections or plans and the apportionment of cost of such improvements.

SEC. 5. Changes in established county road system. That section fifteen hundred twenty-seven-s five (1527-s5), supplement to the code, 1913, be amended by adding thereto the following:

"Provided that the board of supervisors of any county may at any time make application to the said commission for a change or modification of the established county road system when such change is proposed for the purpose of eliminating from such road dangerous crossings or curves, or when such change would materially decrease the cost of improving or maintaining the road, and in such case the commission may reopen such matter and authorize such change as may seem advisable."

SEC. 6. Surveys and reports—procedure. That section fifteen hundred twenty-seven-s eight (1527-s8), supplement to the code, 1913, be stricken out and the following enacted in lieu thereof:

"The survey and report of each section, as soon as completed and approved by the board of supervisors, shall be submitted to the state highway commission, and the board of supervisors may designate to the said commission what sections, in their estimation, should be first passed upon by said state highway commission. The said commission is hereby charged with the duty of passing upon such reports and plans, and in so doing, shall take into consideration the thoroughness, feasibility and practicability of such plans, and may approve or modify the same. After such survey and plan for each section is passed upon by the state highway commission, they shall be returned to the county auditor with full and explicit directions as to modifications, if there be any. The county auditor shall, upon receipt of the approved and modified survey and plans, record the same at length in a county road book, and the board of supervisors shall thereupon proceed to the construction of the road, bridge, tile and culvert work in accordance therewith, and as herein provided. The duty to construct and maintain all bridges and permanent culverts throughout the county is imposed upon the board of supervisors. All culverts and bridges shall be paid for out of the county bridge fund, except as provided in section thirteen (13) of this act. Where conditions are such as to warrant or necessitate the same, the board of supervisors shall furnish township trustees metal or other temporary culverts authorized by the state highway commission to be placed by them on their township road system. Said culverts to be purchased by the board of supervisors and paid for out of the county bridge fund and shall not exceed in size thirty-six (36) inches in diameter, or its equivalent. The county, however, shall be at no expense for placing, filling or transportation of said temporary culverts other than their delivery

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at a railroad station to be designated by the board of supervisors. Immediately upon the completion by the board of supervisors of any bridge or culvert situated upon the township road system, or the installation of a temporary culvert furnished to the township by the board of supervisors, it shall be the duty of the township trustees to properly fill over with dirt all such culverts and fill in and uniformly grade the approaches to all such bridges. Should the trustees fail for a period of two weeks after notification to make such fill, or fail to fill in and grade over such culvert, as herein provided, the board of supervisors shall proceed to do so, and the engineer shall report the actual cost of so doing and such amount, not exceeding one hundred fifty dollars (\$150.00), for any such bridge or culvert, shall be certified by the board of supervisors to the county treasurer who shall transfer said amount to the county road cash fund from the first collection of road funds belonging to said township.

The county road fund, the county road building fund, the county drainage fund, and all other moneys received by the board of supervisors for road purposes, except as otherwise provided, shall be placed in the county road cash fund, and shall be paid out only on order of the said board of supervisors for the purchase of tools, machinery and equipment, or for tile and tiling, or for filling on culverts and bridge approaches as herein provided, or for work done on the county road system, or for the elimination of dangers at railroad crossings on both county and township roads, at the discretion of the board of supervisors on an adjustment of such dangerous conditions by negotiations between the railroad and the board of supervisors, or upon an order and finding of the railroad commission. All money received by the township trustees for road purposes shall be expended for and upon the township road system, or for the elimination of dangers at railroad crossings on the township roads, at the discretion of the township trustees, on an adjustment of such dangerous conditions by negotiations between the railroad company and the township trustees, or upon an order and finding of the railroad commission."

SEC. 7. Township roads, etc. That section fifteen hundred twenty-seven-s nine (1527-s9), supplement to the code, 1913, be stricken out and the following enacted in lieu thereof:

stricken out and the following enacted in lieu thereof:

"Whenever all the roads of the county road system have been improved according to the plans herein provided, the board of supervisors shall add such roads from the township road system as have been improved by the township in accordance with the general plans and specifications furnished by the engineer and in accordance with the requirements of this act, and if the township roads so improved be not sufficient to use all county funds available for that purpose, the board of supervisors may select additional county roads, but no increase shall be made in the mileage of the county road system until that system is completed, except that the board of supervisors may at any time add such roads from the township road system as will materially shorten the direct lines of travel between market towns. In all cases of additions the same proceedings shall be followed in all regards as herein provided for the original selection and improvement of county roads."

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SEC. 8. Standard specifications, etc. That section fifteen hundred twenty-seven-s eleven (1527-s11), supplement to the code, 1913, be repealed and the following enacted in lieu thereof:

"Standard specifications for all bridges and culverts, railroad overhead crossings or subways shall be furnished without cost to the counties and railroad companies by the state highway commission, and work shall be done in accordance therewith, and when said bridge and culvert work is completed and approved a duplicate statement of the cost thereof shall be filed at once with the state highway commission by the county auditor. All culverts and bridge construction, tile and tiling and repair work or materials therefor, of which the engineer's estimated cost shall be one thousand dollars (\$1,000.00) or less, may be advertised and let at a public letting, or may be let privately at a cost not to exceed the engineer's estimate, or may be built by day labor. All culvert and bridge construction, grading, tile and tiling and repair work, or materials therefor of which the engineer's estimated cost shall exceed one thousand dollars (\$1,000.00) shall be advertised and let at a public letting, provided, that the board shall have the power to reject all bids, in which event they may readvertise, or let privately by submitting contract to the state highway commission for approval, or build by day labor, at a cost not to exceed the lowest bid received. All bids received shall be publicly opened, at the time and place specified in the advertisement, and shall be recorded in detail, in a book kept for that purpose, by the county auditor; said book shall at all times be open to the public for inspection. Any proposed contract which shall exceed the sum of two thousand dollars (\$2,000.00) for any one bridge or culvert, or repairs thereon, shall be first approved by the state highway commission before the same shall be effective as a contract. Before beginning the construction of any permanent bridge or culvert by day labor or by contract, the plans, specifications, estimate of drainage area, estimates of cost and their specific location shall be filed in the county auditor's office by the engineer. Bridges erected over drainage ditches shall, where necessary, be so constructed to allow the superstructure to be removed for cleaning said ditches with as little damage to the removal and permanent parts of said bridge as practicable. On completion, a detailed statement of cost, and of any additions or alterations to the plans shall be added to the above records by the engineer, all of which shall be retained in the county auditor's office as permanent records, and when said work is completed and approved, a duplicate statement of the cost thereof shall be filed at once with the state highway commission by the county auditor. The board of supervisors may authorize the county auditor to draw warrants for the amount of pay rolls for labor furnished under the day labor system, when said pay rolls are certified to by the engineer in charge of the work. Said bills shall be passed upon by the board at the first meeting following said payment."

1 Sec. 9. Resolution of necessity—repeal. That section fifteen 2 hundred twenty-seven-s twelve (1527-s12), supplement to the code, 3 1913, be and the same is hereby repealed.

SEC. 10. Draggable roads, etc. That section fifteen hundred twenty-seven-s thirteen (1527-s13), supplement to the code, 1913, be repealed and the following enacted in lieu thereof:

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4 "At every February meeting, or as soon thereafter as possible, the township trustees of each township shall select from its township 5 6 road system the roads to be dragged for the year, to be known as 7 draggable roads, which shall include all roads in consolidated school 8 districts and all mail routes, and shall employ a superintendent or superintendents, not exceeding four in number, for the township road 9 10 system, who shall give bond for the faithful performance of their 11 duties in such sum as the township trustees may direct. Said superintendent or superintendents shall have general supervision of all 12 13 dragging and repair work on the township road system, including the 14 placing of temporary culverts, and the term of office and compensation of such superintendent or superintendents shall be at the dis-15 16 cretion of the township trustees. The superintendent shall see that 17 the approaches to all bridges on the said roads are maintained in such 18 manner as to present smooth and uniform surfaces, and keep the openings to all culverts and ditches free from weeds, brush and other 19 20 material that will in any manner prevent the free discharge of surface water. He shall have charge of all draggable roads of the township 21 22 road system and make contracts for dragging, and shall see that all draggable roads of the township road system are properly dragged 23 at such times as are necessary to maintain such roads in smooth condi-24 tion, at such price as is reasonable and necessary to secure such con-25 26 tracts, to be fixed by the township trustees. For this purpose there shall be expended, under the direction of the township trustees, 27 through the road superintendent, upon the township road system not 28 less than the one (1) mill drag tax now authorized by law. The town-29 30 ship trustees shall not allow any bills for dragging, maintenance, or repairs work, nor shall warrants in payment therefor be drawn by the 31 township clerk upon funds of the township road system until itemized 32 bills therefor have been certified to by the township road superintend-33 A violation of this section shall render the township clerk liable 34 on his bond for the amount of said warrant. The compensation of such 35 superintendent for all duties except any dragging actually performed 36 by him, and the cost of all equipment for dragging, shall be paid for out of the township road funds. He shall at least once a year, or on 37 38 demand, furnish the township trustees a report of all work done under 39 40 and by him."

SEC. 11. Surveys, etc., for township roads. That section fifteen hundred twenty-seven-s fourteen (1527-s14), supplement to the code, 1913, be and the same is hereby amended by adding thereto the following:

"Providing the trustees may contract with the board of supervisors for the construction of any work on the township road system, provided the county shall not make any charge for the use of the county's road equipment except the actual cost of operating the same."

SEC. 12. Report by township clerk, etc. That section fifteen hundred twenty-seven-s sixteen (1527-s16), supplement to the code, 1913, be repealed and the following enacted in lieu thereof:

"Not later than the first day of January, or at any time upon the demand of the township trustees, the township clerk shall report the work accomplished on the township road system in his township,

cluding number of culverts installed, location thereof and the number 8 and size of culverts on hand and not installed. Said township trustees shall, as nearly as practicable, recommend what is to be done upon the 10 township road system for the succeeding year, and shall also prepare a list of the culverts and bridges which in their judgment should be 11 constructed by the board of supervisors in their township during the 12 13 succeeding year, giving the proposed location of such culverts, the material of which such culverts should be constructed, and the ap-14 15 proximate size of same, together with any and all recommendations 16 concerning such culverts as the board of township trustees see fit to 17 give, which list, report and recommendation shall be filed on or before the first day of January of each year, or oftener if the emergency requires, in the office of the county auditor, and a copy of the same 18 19 shall be forthwith mailed by the township clerk to each member of 20 21 the board of supervisors.

SEC. 13. Apportionment of fees, etc. That section fifteen hundred seventy-one-m thirty-two (1571-m32), supplement to the code, 1913, be stricken out and the following enacted in lieu thereof:

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"Ninety (90) per cent. of all moneys paid into the state treasury pursuant to the provisions of this act shall be apportioned among the several counties in the same ratio as the number of townships in the several counties bear to the total number of townships in the state, said apportionment to be made by the state treasurer on the first day of April and the first day of August of each year. When such apportionment has been made the state treasurer shall forthwith remit to the county treasurers of the several counties of the state the amount of money so apportioned to the respective counties, and the county treasurer of each county immediately upon receipt of such money shall charge himself therewith and forthwith give notice to the county auditor of the amount of money so received. The county treasurer shall pay into the treasury of the cities and incorporated towns in such county a portion of said motor vehicle fund to be determined as follows: Each city or incorporated town shall receive a share to be determined by the ratio of miles of unpaved streets within the limits of said city or incorporated town to the total number of miles of public roads and unpaved streets within the county; provided, however, that in no case shall the aggregate amount apportioned to the various cities and towns exceed ten (10) per cent. of the total amount apportioned to the county. And such apportionment to cities and towns shall be expended by them only for the purpose of improving the unpaved streets and roads connecting directly with the county or township road systems, or by order of the city or town council or commission the appertionment may be transferred to the county road cash fund and be expended on the county road system. For the purpose of making such apportionment the city or town clerk shall file in the office of the county treasurer ten days before the date of the apportionment from the state treasurer a certified statement of the number of miles of unpaved streets within such city or town, and the county auditor shall make a like statement of the number of miles of highway in such county outside the limits of cities and incorporated towns. The treasurer of each city or town shall charge himself with the sum received from said apportionment and shall forthwith give notice to the city or town auditor

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38 or clerk of the amount of money so received. The total amount of 39 funds so received by the county treasurer, less the amount apportioned 40 to the various cities and towns, as herein provided, shall constitute the 41 county motor vehicle road fund and shall be expended for the following 42 purposes only: the crowning, drainage, dragging or gravelling of public highways outside the limits of cities and towns, and for the build-43 44 ing of permanent culverts on such highways. Such fund shall be paid 45 out on warrants drawn by the county auditor, duly authorized by the board of supervisors and entered of record. The same procedure shall 46 47 apply to the expenditure of this fund as to the expenditure of other road 48 and bridge funds. Five (5) per cent. of all moneys paid into the state 49 treasury on and after the taking effect of this act and pursuant to its 50 provisions, shall be set aside and shall constitute a maintenance fund 51 for the state highway commission. Said five (5) per cent. shall be 52 used for no other purpose than as a maintenance fund for said state 53 highway commission, and shall be drawn out only on warrants drawn 54 by the auditor of state on itemized vouchers approved by the state 55 highway commission, the expenditures of which commission shall be 56 audited by the executive council, and a full and complete report of all said expenditures shall be published in the annual report under the 57 58 act creating the state highway commission. At the end of each biennial period ending January 1st, 1917, the funds remaining in the high-59 way maintenance fund shall be placed to the credit of the general fund. **6**0

"SEC. 14. Repair work. That section 1527-s ten, supplement to the code, 1913, be amended by striking out all following the period in line nineteen thereof, and inserting the following in lieu thereof:

Repair work shall be known as work not designated by the highway engineer, all road construction work costing not in excess of sixty dollars per mile, work of a temporary character or of immediate necessity, and work necessary to maintain finished roads completed under this act. A violation of this section shall render the county auditor liable on his bond for the amount of said work."

SEC. 15. Plans—specifications—approval. In all cases wherein plans, specifications and profiles are submitted to the state highway commission, proposing and setting forth the plans and specifications for improving any portion of a road system, if, except as to cuts, fills, and decreases in inclines such plans and specifications meet with the approval of the state highway commission, the said commission shall not refuse to approve such plans and specifications in full if the proposed cuts, fills, or decreases in inclines set forth in such plans propose to decrease the hills or inclines at least twenty per cent of the existing incline.

SEC. 16. Drag fund—transfer. If, at the February meeting, a balance remains in the drag fund for the preceding year or years, the said balance may be transferred to the general township road fund provided the draggable roads of such township have been regularly dragged in compliance with the law during the preceding year and said transfer approved by the board of supervisors.

SEC. 17. Publication clause. This act being deemed of immediate importance shall be in effect from and after its publication in

3 The Register and Leader and The Des Moines News, newspapers pub-

4 lished at Des Moines, Iowa.

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Approved April 19, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines News May 8, 1915 and in the Register and Leader May 8, 1915.

W. S. Allen, Secretary of State.

## CHAPTER 340.

## PUBLIC PRINTING AND BINDING.

H. F. 637.

AN ACT to repeal sections one hundred thirty-eight (138) and one hundred forty-one (141), supplement to the code, 1913, and enact a substitute therefor, relating to compensation for state printing and state binding.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Prices for state printing. That section one hundred thirty-eight (138), supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

"The state printer shall be paid the following prices for all work done for the state in an acceptable manner, as provided by law, and no more:

1. For plain composition on laws, journals and reports and on bulletins and circulars and all other printed matter except as otherwise provided, forty-six cents per thousand ems; for composition requiring
three or more justifications, sixty cents per thousand ems, and for rule
and figure work, seventy-five cents per thousand ems.

2. For book press work, the compensation shall be two dollars for the first one thousand impressions from a form of sixteen pages, document size, or its equivalent, and one dollar and twenty-five cents per thousand for each additional one thousand impressions from the same form. If in finishing a job of press work it shall be necessary to print an eight page form, the compensation shall be the same as for a sixteen page form, and if there shall be printed less than one thousand impressions from any one form, the compensation shall be the same as for one thousand.

21 For printing blanks, including composition and press work, on 22 a sheet of folio post or larger paper, three dollars and fifty cents for 23 the first one hundred copies; for the next four hundred copies, forty 24 cents for each hundred; for each one hundred copies above five hundred 25 and up to one thousand copies, twenty cents and for all above one thou-26 sand copies from the same form ten cents per hundred. For blanks on 27 paper smaller than folio post and for circulars of a single page not larger than eight and one-half by eleven inches, including composition 28 29 and press work, three dollars for the first one hundred copies for the next four hundred copies thirty cents for each hundred, for each one hundred copies above five hundred and up to one thousand fifteen cents,